

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE J. M. SMUCKER COMPANY,

Plaintiff,

vs.

THE WESTON FIRM, P.C.,

Defendant.

CASE NO. 5:13-cv-00448-JRA

JUDGE JOHN R. ADAMS

MAGISTRATE JUDGE GEORGE J. LIMBERT

JOINT STATUS REPORT

Pursuant to the Court's June 25, 2013 Case Management Plan, the parties submit the following Joint Status Report:

1. Discovery. Plaintiff served a First Set of Document Requests on June 27, 2013; a First Set of Interrogatories on July 8, 2013; a First Set of Requests for Admission and a Second Set of Document Requests on July 11, 2013; a Second Set of Interrogatories on July 31, 2013; and a Third Set of Document Requests on August 2, 2013.

Defendant served a First Set of Requests for Production, a First Set of Requests for Admission, and a First Set of Interrogatories on July 15, 2013; a Second Set of Requests for Production on July 26, 2013; and a Second Set of Requests for Admission on July 29, 2013. Defendant provided written responses and a first document production in response to Plaintiff's First Set of Document Requests on July 26, 2013. Defendant provided a privilege log on August 1, 2013. Defendant provided written responses to Plaintiff's First Set of Interrogatories, Plaintiff's First Set of Requests for Admission, and Plaintiff's Second Set of Document Requests on August 7, 2013.

2. Settlement Discussions. The parties have not engaged in any settlement discussions during the reporting period.

3. Motions. Defendant filed a Motion for Judgment on the Pleadings on July 8, 2013, and Plaintiff filed a Memorandum in Opposition to that Motion on July 22, 2013. That Motion remains pending.

Additionally, Defendant filed a Motion to Transfer Venue pursuant to the first-to-file rule on July 10, 2013, and Plaintiff filed a Memorandum in Opposition to that Motion on July 29, 2013. That Motion remains pending.

Finally, Defendant filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(5) on July 15, 2013, but subsequently filed a Notice of Withdrawal of its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(5). The Court entered an Order granting the withdrawal of Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(5) on July 29, 2013. That same day, the Court denied as moot Plaintiff's Motion to Extend Time to Serve Complaint.

4. Other Developments. None.

Dated: August 9, 2013

Respectfully submitted,

/s/ Mary Alexander Hyde

Timothy P. Fraelich (Ohio Bar No. 0062468)
tfraclich@jonesday.com
Robert P. Ducatman (Ohio Bar No. 0003571)
rducatman@jonesday.com
Angela R. Gott (Ohio Bar No. 0082198)
agott@jonesday.com
Mary Alexander Hyde (Ohio Bar No. 0084136)
malexanderhyde@jonesday.com
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
Telephone: (216) 586-3939
Facsimile: (216) 579-0212

Of Counsel:

Ronald Y. Rothstein
rrothstein@winston.com
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, Illinois 60601
Telephone: (312) 558-5600
Facsimile: (312) 558-5700

Attorneys for Plaintiff
The J. M. Smucker Company

/s/ Melanie Persinger

Melanie Persinger (Admitted *Pro Hac Vice*)
mel@westonfirm.com
THE WESTON FIRM
1405 Morena Blvd., Suite 201
San Diego, California 92110
Telephone: (619) 798-2006
Facsimile: (480) 247-4553

Attorney for Defendant
The Weston Firm, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2013, a copy of the foregoing JOINT STATUS REPORT was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Mary Alexander Hyde

One of the Attorneys for Plaintiff